

REMARKS

Applicant has carefully reviewed the Application in light of the Final Office Action mailed July 20, 2007. At the time of the Office Action, Claims 1-28 were pending in the Application. Claims 1-28 stand rejected. Applicant amends Claims 1, 7, 8, 10, 17, and 23 and cancels Claim 6 without prejudice or disclaimer. The amendments and cancellations to these claims are not the result of any prior art reference and, thus, do not narrow the scope of any of the claims. Furthermore, the amendments are not related to patentability issues and only further clarify subject matter already present. All of Applicant's amendments have only been done in order to advance prosecution in this case. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Section 102 Rejection

The Examiner rejects Claims 1-28 under 35 U.S.C. §102(b) as being anticipated by U.S. Publication No. 20020146000 A1 issued to Jonsson et al. (hereinafter "*Jonsson*"). This rejection is respectfully traversed for the following reasons.

Applicant respectfully reminds the Examiner that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.¹ In addition, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claims" and "[t]he elements must be arranged as required by the claim."² In regard to inherency of a reference, "[t]he fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic."³ Thus, in relying upon the theory of inherency, an Examiner must provide a basis in fact and/or technical reasoning to support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.⁴

¹ *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131.

² *Richardson v. Suzuki Motor Co.*, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 USPQ 2d 1566 (Fed. Cir. 1990); MPEP §2131 (*emphasis added*).

³ MPEP §2112 (citing *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ 2d 1955, 1957 (Fed. Cir. 1993) (*emphasis in original*)).

⁴ MPEP §2112 (citing *Ex Parte Levy*, 17 USPQ 2d 1461, 1464 (Bd. Pat. at App. and Inter. 1990) (*emphasis in original*)).

No reference of record provides an architecture that is operable to extract a high-level data link control (HDLC) payload from the packet and to perform a compression process on the HDLC payload in order to reduce a number of bytes associated with the incoming packet...operable to build a key that maps the HDLC payload associated with the packet to the key, the key being broken into segments that are positioned into a selected one or more of a source internet protocol (IP) address field, a user datagram protocol (UDP) source port field, and a UDP destination port field of a UDP packet, the UDP packet being sent to a processor such that it may be directed to a next destination.

In the Office Action, the Examiner has used *Jonsson* for some of these limitations. Specifically, the Examiner has cited paragraphs 38-42 and 58-89 for these items. However, there is nothing at these portions of *Jonsson* that actually maps the HDLC payload using a key, a key which is further broken down into segments. For at least this reason, *Jonsson* is not a barrier to patentability for the pending claims. Because the other Independent Claims, as amended, include these limitations as well, they too are allowable over *Jonsson* using similar reasoning. Moreover, their respective dependent claims should be allowed using analogous reasons.

Accordingly, all of the pending claims have been shown to be allowable, as they are patentable over the references of record. Notice to this effect is respectfully requested in the form of a full allowance of these claims.

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CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

Applicant believes no fee is due. However, if this is not correct, the Commissioner is hereby authorized to charge any additional amount required or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact Thomas J. Frame at 214-953-6675.

Respectfully submitted,
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